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Promotion and protection of the rights of children: promotion and protection of the rights of children

Security Council
Seventy-second year

Letter dated 19 April 2017 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

I have the honour to submit to you the report of the workshop entitled Priorities for the United Nations children and armed conflict agenda", convened by the Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist on Children and Armed Conflict on 12 and 13 December 2016, at Princeton University, United States of America (see annex).*

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 64 (a), and of the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative

* The annex is being circulated in the language of submission only.

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Annex to the letter dated 19 April 2017 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General

Report of the workshop entitled "Priorities for the United Nations children and armed conflict agenda"

12 and 13 December 2016, Princeton University, United States of America

I. Introduction

1. The Liechtenstein Institute on Self-Determination at Princeton University and the non-governmental organization Watchlist on Children and Armed Conflict convened a workshop on children and armed conflict on 12 and 13 December 2016 at Princeton University in Princeton, United States of America. The workshop brought together representatives of States Members of the United Nations, including members of the Security Council, and of the Office of the Special Representative for Children and Armed Conflict, the Department of Peacekeeping Operations and the United Nations Children's Fund (UNICEF), as well as academics and non-governmental organizations, to discuss priorities for the United Nations children and armed conflict agenda for 2017 and 2018.

2. The workshop included informal discussions among participants on Monday, 12 December, in advance of the working sessions, and a public session held at the close of the workshop on Tuesday, 13 December, with a view to introducing to a wider audience the plight of children caught in the crossfire and the scourge of attacks on schools and hospitals during armed conflict. The working sessions comprised three closed sessions on Tuesday, 13 December. During the first working session, the Office of the Special Representative, the Department of Peacekeeping Operations and UNICEF introduced several initiatives and topics with an outlook towards 2017, reflecting on the current status of the children and armed conflict agenda. The second session focused exclusively on the Working Group on Children and Armed Conflict and its working methods. The third session was thematic in nature, focusing on the challenge of protecting schools and hospitals from attack under the framework of resolution 1998 (2011) and featuring experts, from the United Nations and civil society, working on those themes.

3. The present report summarizes the discussions held during those sessions and includes recommendations for Security Council action on violations and abuses against children in situations of armed conflict during the period 2017-2018, under the Swedish chairmanship of the Working Group.

II. Current status and priorities for the United Nations children and armed conflict agenda

4. The first session of the workshop concentrated on the current status of the children and armed conflict agenda, introducing several timely initiatives and topics with an outlook towards 2017.

5. Representatives of the Office of the Special Representative discussed the "Children, Not Soldiers" campaign that it had launched jointly with UNICEF to end, by 2016, the recruitment and use of children by government security forces in conflict, the forthcoming annual report of the Secretary-General on children and armed conflict and the 20 year anniversary of Graça Machel's report of 1996

entitled "Impact of armed conflict on children." Representatives of UNICEF also discussed the joint "Children, Not Soldiers" campaign and further highlighted the forthcoming tenth anniversary of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Principles and Guidelines on Children Associated with Armed Forces and Armed Groups. Representatives of the Department of Peacekeeping Operations made presentations on the review of the Department's child protection policy of 2008, as well as on the roles and responsibilities of the civilian, military and police components of peacekeeping missions in upholding the security and rights of children.

6. Participants discussed the following topics: (a) the status of the "Children, Not Soldiers" joint campaign; (b) dealing with non-State armed groups; (c) the sustainable reintegration of children formerly associated with armed forces or armed groups; and (d) the role of child protection in peacekeeping. The discussion is summarized below.

7. Participants expressed their support for the joint "Children, Not Soldiers" campaign, launched in March 2014. As a result of sustained engagement by the United Nations, the eight government security forces listed for the recruitment and use of children, namely, those of Afghanistan, Chad, the Democratic Republic of the Congo, Myanmar, Somalia, the Sudan, South Sudan and Yemen, had adopted action plans to end and prevent that practice. Participants pointed out that some of those action plans dated back more than five years, and they posed questions about progress, areas for improvement and further support. In terms of progress, the role of country-based groups of friends of children of armed conflict was highlighted as helpful for both political and financial support. Some of the common struggles highlighted included: (a) a lack of political will and leadership for implementation; (b) the re-emergence of active conflict, such as in South Sudan and Yemen; and (c) the fact that action plans required institutional change, including time-consuming changes in policy and to the legal framework.

8. Participants also noted that the vast majority of perpetrators listed in the annexes to the Secretary-General's annual report on children and armed conflict were armed non-State actors, rather than State security forces. There was a general consensus among participants that engagement with such actors on the adoption and implementation of action plans was crucial. Several challenges, however, hampered the ability of United Nations agencies to engage with them on child protection. First, some such actors did not wish to engage on protection issues. Second, even if an armed non-State actor wished to engage, its command structure might lack the clarity to allow for clear focal points for engagement or for orders to be passed down the chain of command. Self-defence groups posed particular challenges as they were based within the communities, and children tended to move freely within and among them. Third, access for engagement might not be possible owing to logistical or security restrictions, or there might be legal prohibitions against such engagement. Fourth, even when an action plan was adopted, verifying its implementation was problematic, owing to the same challenges that restricted access to armed non-State actors. Participants also discussed positive examples, wherein conditions had been created for engagement with armed non-State actors. A first example showed how engagement with the Revolutionary Armed Forces of Colombia had been achieved within the framework of an ongoing, comprehensive peace process with the Government. It was also pointed out that around two thirds of the armed non-State actors listed were active in countries where the government security forces had signed action plans to end and prevent the recruitment and use of child soldiers. Those action plans are instrumental in setting national standards in terms of child protection, including, for example, the criminalization of the recruitment and use of children. Some action plans, such as in the case of Myanmar,

also included provisions that provided for outreach to armed non-State actors on child protection issues.

9. In addition, participants debated the challenges connected to the release and reintegration of children associated with armed forces or armed groups. The importance of a negotiated, formal release was outlined, as opposed to a spontaneous release. Still, it was noted that even when a formal process for release and reintegration was in place, re-recruitment was frequent when there was a flare-up in conflict. The main challenge identified was the lack of support for long-term reintegration programmes. While the children and armed conflict agenda has been effective in mobilizing political will for release, it has been less effective in generating resources for sustainable reintegration programmes.

10. Lastly, participants discussed with the Department of Peacekeeping Operations the role of child protection in peacekeeping and political missions. With nine United Nations missions holding a child protection mandate (six peacekeeping missions and three political missions), the Department was preparing for the roll-out of its updated child protection policy, which it expected to present during the forthcoming meetings of the Special Committee on Peacekeeping Operations.

III. Challenges and opportunities for the Working Group on Children and Armed Conflict

11. The second session of the workshop focused on the Working Group on Children and Armed Conflict and its working methods. Watchlist on Children and Armed Conflict opened the session with a presentation on the quantity and quality of the Working Group's output since it had been established in 2006. Watchlist stated that the average adoption time of the Working Group's country-specific conclusions had steadily increased between 2006 and 2015 and had never reached the target adoption time of two months. Organizational, procedural and political factors had contributed to these delays. Watchlist added that the Working Group relied predominantly on a minority of tools available to it and that many of its tools remained underutilized.

12. The session also featured reflections from former Working Group Chairs Luxembourg and Germany on the challenges that they had faced when chairing the Working Group. They presented the following political, organizational and procedural factors that could affect the Working Group's ability to perform its core duties efficiently and effectively:

(a) **Current Security Council composition.** The general political climate affecting the Council at large will impact the ability of its subsidiary Working Group to reach consensus on specific country situations or issues;

(b) **Absence of a thematic sanctions regime.** While all sanctions committees relevant to the children and armed conflict agenda have child rights violations as a designation criteria (Iraq, the Democratic Republic of the Congo, the Sudan, South Sudan, Al Qaida and the Taliban), nine country-specific situations are still left without a means of last resort. A thematic sanctions committee would cover all situations listed in annex I to the Secretary-General's annual report on children and armed conflict;

(c) **Requirement of consensus.** Outcome documents of the Working Group require consensus for adoption. In politically sensitive country situations, this requirement can cause lengthy negotiations spanning several months;

(d) **Heavy workload.** The workload of the subsidiary body is considerable and requires at least two full-time diplomats, in addition to Secretariat staff, dedicated to supporting both the Working Group negotiations and related mainstreaming activities throughout the Council itself;

(e) **Periodic gaps in the issuance of reports of the Secretary-General.** The Secretary-General has reportedly adjusted the production of country-specific reports based on the limited progress of the Working Group. As a result, the Working Group has, on occasion, had no report to negotiate, forcing the Group to temporarily halt its activities;

(f) **Lack of a dedicated budget.** The Working Group does not have a budget to support its functions. In the past, this has hampered its ability to make optimal use of its working methods, such as facilitating its field visits.

13. The former Chairs of the Working Group made the following recommendations to improve the performance of the Working Group:

(a) **Managing the Working Group's extensive workload.** The former Chairs remarked that it was advisable for the Chair's Permanent Mission to dedicate the necessary resources to the management of the Working Group's extensive workload. They recommended that at least one person focus exclusively on children and armed conflict, assisted by others within the Mission. They also commented on the Working Group's working schedule. It was deemed advisable to prepare a clear working schedule for the Working Group in dialogue with the Office of the Special Representative, with the aim of knowing well in advance when to plan for the issuance of reports of the Secretary-General so as to be ready for conclusion negotiation. Furthermore, they deemed it advisable to schedule the bulk of the workload during the first half of the year. Because of the summer season and the fact that Third Committee proceedings take place from September to December, it was a challenge to bring Working Group members together during the second semester. It would be much easier to schedule meetings in the first semester. The former Chairs also recommended that, if necessary, multiple conclusions be negotiated simultaneously;

(b) **Mainstreaming children and armed conflict into the list of matters of which the Security Council is seized.** The former Chairs recommended that the current Chair draw attention to issues pertaining to children and armed conflict for every situation discussed by the Security Council and that those issues be part of every discussion pertaining to Council resolutions that provide peacekeeping or political missions with their mandates. Other recommendations for mainstreaming included: (i) inviting the Special Representative of the Secretary-General to brief the Working Group on a country situation; and (ii) discussing issues pertaining to children and armed conflict or Working Group activities in connection with the Council item entitled Any other business;

(c) **Using the full range of Working Group tools.** The former Chairs commented that, while adopting conclusions was an important part of the Working Group's work, it was not the only tool the Working Group could use to create an impact. Other recommendations to achieve impact included: (i) field visits, whether by the Working Group or by the Security Council, integrating issues pertaining to children and armed conflict; (ii) Arria formula meetings; (iii) press briefings; and (iv) Working Group briefings by experts;

(d) **Ensuring the follow-up and implementation of the Working Group's conclusions.** What the mechanism still lacked is an automatic system of local, national and global responses triggered once a Working Group conclusion was adopted. The former Chairs recommended the following activities: (i) drafting

conclusions as specifically as possible, since specific recommendations allowed for easier follow-up and implementation; (ii) calling for a response by the country or party concerned in all letters and public statements, and requiring that the response include a report of the implementation by the country or party concerned of the Working Group's conclusions; (iii) encouraging the formation of local groups of friends, including by donor Governments, to follow the adoption of country-specific conclusions and to raise awareness of Working Group recommendations and the resources necessary to implement them; and (iv) inviting permanent representatives of the countries concerned to discuss conclusions, and questioning them, whether publicly, privately or both, about follow-up and implementation;

(e) **Utilizing the broad range of experiences from third-party experts.** The former Chairs recommended that use be made of the vast knowledge and experience present within the Secretariat, UNICEF and the community of non-governmental organizations, among others.

14. Lastly, the workshop participants identified three areas for further consideration under the Swedish chairmanship, namely: (a) the use of the global horizontal note[1], (b) the Working Group's working methods and the use of its toolkit; and (c) the follow-up and implementation of Working Group conclusions. In particular, participants discussed the use of the global horizontal note and whether that broad-ranging document could be used more extensively. Participants generally agreed that the note could be better used by the Working Group, in particular to address the ongoing issue of the lack of timely country-specific reports. The note includes a significant amount of up-to-date information pertaining to children and armed conflict and could be used to generate more discussion within the Working Group or as a tool to track progress in the implementation of the Working Group's conclusions. The participants concluded that the note offered great potential for increased usage, but admitted that all Council members would have to agree to its being used in a particular way. The participants also discussed the Working Group's working methods and the use of its toolkit, which, it was noted, had defined the Working Group's original working methods 10 years before. Participants indicated that it was possible to debate and modify those methods. The toolkit was further discussed, with specific focus on the impact of the various tools that it contained. The option to conduct a best practice study on the impact that different tools had on the situation of children in armed conflict was proposed. Some of the more effective tools discussed included field visits, meetings with child protection advisers and training sessions for incoming members.

IV. Implementing Security Council resolution 1998 (2011) on attacks on schools and hospitals

15. In the third session of the workshop, participants looked at ways to end and prevent other violations committed against children in situations of armed conflict and focused specifically on attacks on schools and hospitals. In 2011, the Security Council expanded the triggers for listing a party in the annexes of the Secretary-General's annual report on children and armed conflict. In 2016, a stand-alone resolution on attacks on hospitals was adopted. A representative of New Zealand

[1] Global horizontal notes are reports produced by the Office of the Special Representative in coordination with country task forces or teams, with comments from UNICEF headquarters. Issued every two months, they are considered an informal method of providing the Working Group with information on grave violations. For more information, see Katy Barnett and Anna Jeffreys, "Full of promise: how the UN's monitoring and reporting mechanism can better protect children", *Humanitarian Practice Network*, paper No. 62 (September 2008).

commented on resolution 2286 (2016) concerning attacks on health-care facilities in conflict situations, which it had co-sponsored with four other non-permanent Council members. Physicians for Human Rights presented its decades-long experience documenting and reporting on attacks against health-care facilities and health workers in conflict situations. In addition, the Global Coalition to Protect Education from Attack provided an overview of global trends on attacks against schools, students and teachers, as well as its work to promote the Safe Schools Declaration among Member States. The participants were then divided into groups to discuss the implementation of resolutions 1998 (2011) and 2286 (2016). Upon their return to the plenary meeting, they made the following proposals:

(a) With respect to the implementation of resolution 2286 (2016), the United Nations should set up an independent, international thematic commission of inquiry for in-depth investigations of specific incidents of attacks against hospitals or health workers;

(b) With respect to the implementation of resolution 1998 (2011):

(i) Regional organizations, including the European Union, the African Union and the North Atlantic Treaty Organization, should consider drafting implementation plans in support of resolution 1998 (2011);

(ii) The United Nations should increase its engagement with parties to conflict listed for attacks on schools and hospitals and assist them in adopting and implementing action plans to end and prevent such violations;

(iii) The Department of Peacekeeping Operations should send out a directive on the military use of schools and develop guidance for the infantry battalion manual, which could serve as a best practice example for troop-contributing countries;

(iv) The Working Group should consistently include recommendations for the protection of schools and hospitals in its country-specific conclusions;

(v) The Security Council should consider requesting the Secretary-General to present a report dedicated to the system-wide implementation of resolution 1998 (2011); following the publication of such a thematic report, the Council could consider discussing its contents during a thematic open debate;

(vi) Member States, assisted by the relevant United Nations departments and agencies, should consider organizing an anniversary event for the adoption of resolution 1998 (2011), with a focus on best practices in terms of implementation; such an event could take the form of a side event or an Arria formula briefing;

(vii) Member States should consider endorsing the Safe Schools Declaration and, where appropriate, integrate the guidance on the military use of schools into military training manuals and standard operating procedures;

(viii) Member States should consider the drafting and adoption of a stand-alone Security Council resolution dedicated to attacks on education facilities and the military use of schools during conflicts;

(ix) Non-governmental organizations should consider a broad-based social media campaign targeting the foreign ministries of Member States, highlighting the issue and its challenges, as well as proposing solutions.